

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV32-1-C**

MARK ROBERT McGOVERN,

Petitioner,

Vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER comes before the Court on the Petitioner's Motion to Vacate under 28 U.S.C. § 2255 and on the Government's Motion To Dismiss. After careful consideration of the foregoing documents, the Court has determined that Respondent may be entitled to a dismissal as a matter of law.

PETITIONER McGOVERN, PLEASE READ THIS CAREFULLY:

You now have the opportunity to reply to Respondent's Motion to Dismiss. See Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). You may not allege new facts surrounding the events in question as part of your response. You should base your response and/or argument(s) solely on the allegations contained in your original Motion to Vacate and/or the Respondent's Motion to Dismiss.

You are further advised that you have fifteen (15) days from the filing of this Order in which to file your response and any documents, affidavits, or unsworn declarations you may wish to submit in opposition to the Respondent's Motion. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

NOW, THEREFORE, IT IS HEREBY ORDERED that Petitioner has fifteen (15) days

from the filing of this Order in which to provide a response, along with his own documents, affidavits, or declarations in opposition to the pleading filed by Respondent.

Signed: February 15, 2007

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

